



Operator Certification



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Certification Responsibilities

Operator's Role in Environmental Protection

When applicants receive certificates to become wastewater treatment plant operators in the State of California they take on certain responsibilities of the profession. The operator's certificate is their permit to operate a wastewater treatment plant for the purpose of protecting the waters of the State of California. The operator's certificate must be displayed, clearly visible for public view, at the wastewater treatment facility before they can operate the facility.

Certified operators must use reasonable care and judgment in the operation of a wastewater plant. The operator's "creed" is to avoid any conduct that might be construed as being negligent, dishonest, false or misleading, and fraudulent or deceptive while treating wastewater to protect the public's health. Operators should be honorable, conscientious, and trustworthy.

The Chief Plant Operator (CPO) has an uncommon position among certified operators. In addition to the above responsibilities of an operator, the CPO is accountable for:

1. Allowing only certified operators or Operators-in-Training (OIT's) with valid certificates to operate at the treatment facility; and
2. Ensuring the direct supervision of any OIT working within the treatment facility; and
3. Verifying qualifying experience; and
4. The overall operation of the treatment facility; and
5. All of the normal management and supervisory duties of his position.

Because CPO's are in a position of greater responsibility they should have the qualities of operators as well as being upstanding, honest, with ethical values that are beyond reproach. CPO's are expected to adhere to the highest standards of the operator profession.

The Contract Operator is any person or entity who enters a promissory agreement to operate a wastewater treatment plant as noted in the Title 23 Operator Regulations. No person or entity shall enter a contract to operate a wastewater treatment plant unless that person or entity is registered by the Division of Clean Water Programs (Division) as a Contract Operator. Just as an operator's certificate must be posted to operate at a treatment plant, the Contract Operator's are responsible for displaying their certificates, clearly visible for public view, at the treatment plant before they are permitted to operate at that particular facility.

Contract Operators are bound by the roles and responsibilities outlined for both operators and CPO's. In addition, a contract operator is to keep their registration current and to inform the Division of changes in personnel. The Contract Operator is also responsible for maintaining the appropriate waste discharge requirements of the contracted facility as outlined in the Clean Water Act which include the provisions of the National Pollutant Discharge Elimination System (NPDES) permit.

All wastewater treatment plant Operators, CPO's, and Contract Operators have daily challenges they must face in protecting the public's health. They are "Deputies" working for the people of the State of California, and have the ultimate role of working towards enhancing the quality of California's water resources for the benefit of present and future generations.

Operator Certification is a newsletter published by the State Water Resources Control Board, Office of Operator Certification. Future issues will introduce staff, publish articles of interest to certified operators, and highlight enforcement actions taken throughout the State. To submit story ideas, comments, or suggestions please call (916) 227-4362.

Filing a Complaint Concerning Compliance with the Operator Certification Regulations or Water Code

Any person, organization, or government agency may file an allegation with the State Water Resources Control Board (SWRCB), Division of Clean Water Programs (Division), concerning compliance of:

1. An individual California certified wastewater treatment plant operator; or
1. Any wastewater treatment plant Contract Operator operating in California; or
2. Any person or entity who owns or operates or allows the operation of a wastewater treatment plant as defined in the California Code of Regulations.

A complainant need not have been harmed or involved in the alleged compliance violation. However, the Division requires that there be substantiating evidence before proceeding with the investigation of any allegation.

The Division understands the sensitive issue concerning an operator filing a complaint against another operator or possibly their employer. The complainant is not required to reveal his or her identity. Those complainants wishing to keep identities confidential will be accommodated to the limits of the law.

A confidential complainant will be kept informed on the progress of an investigation and may be requested to testify in front of the State Water Resources Control Board.

Anonymous complainants will, obviously, not need protection as the investigator will not know the complainant's identity. An anonymous complainant will not be given any informational updates concerning the investigation. Information revealed by any complainant to the Division should be as detailed and specific as possible.

To file an Allegation or Complaint, call the Division at (916) 227-4362

Process Leading to Operator Discipline

The State Water Resources Control Board (SWRCB) has taken steps to increase enforcement and compliance of the California Code of Regulations (CCR) and the California Water Code (CWC). Complaints of wastewater treatment plant operator non-compliance will be initially analyzed and if found that the SWRCB has jurisdiction then a preliminary investigation is undertaken.

The preliminary investigation determines if there is enough evidence to support further investigation of the allegation. The preliminary investigation ends with a "Preliminary Investigation Report" that recommends a plan of action that could be anything from not pursuing the allegation to a full-scale investigation.

A full-scale investigation of the allegation involves the review and analysis of all information that can be obtained concerning the allegation. The investigator may engage the aid of Regional Water Quality Control Board personnel and records, interview witnesses, obtain search warrants, as well as use other investigative techniques to obtain necessary information. The full-scale investigation could take several months and a summary of the evidence is compiled in a

"Full-Scale Investigation Report" which recommends a plan of action which could range anywhere from dropping the allegations because the evidence did not support the allegations to advocating discipline for the alleged violator.

Should the Full-Scale Investigation Report recommend discipline, then the alleged violator is informed and given 30 days to appeal the decision. There may be as many as two appeals to affirm, reject, or modify the proposed discipline. The first appeal is to the Chief of the Division of Clean Water Programs (Division).

Should the first appeal of discipline be affirmed by the Chief of the Division then a second appeal may be made to the five member SWRCB (Board). Taking an appeal to the Board is similar to a public hearing and alleged violators may be represented and face their accusers. Any decision made by the Board is final.

The alleged violator may accept the proposed discipline at any time by not appealing the proposed discipline or by waiving their right to a hearing.

Administrative Actions by the State Water Resources Control Board

Administrative sanctions include fines, reprimand or denial, suspension, probation, or revocation of a certificate pursuant to Section 13627 of the Water Code and may be taken by the State Water Resources Control Board (SWRCB) against any person, agency, district, or other entity found in violation of specific sections of the Operator Certification Regulations or Water Code. The following are administrative sanctions taken by the SWRCB against entities operating wastewater treatment plants and certified operators of wastewater plants.

Administrative Civil Liability (Fines)

The following are administrative sanctions taken by the SWRCB against entities operating wastewater treatment plants.

Borrego Springs Park Community Services District

Misconduct: Operation of a wastewater treatment plant by personnel without certification

Discipline: \$4,300 Administrative Civil Liability paid

The District was found to have operated its wastewater treatment facility for a period of 678 calendar days using two employees who did not have valid wastewater treatment plant operator certificates. The District could have been assessed civil liability for as much as \$135,000. The civil liability was proposed at \$4,300 which the District paid in February 1998.

City of Ione

Misconduct: Operation of a wastewater treatment plant by personnel without certification

Discipline: \$2,800 Administrative Civil Liability paid

An investigation found that between May 23, 1996 through January 8, 1997 the City operated its wastewater treatment plant for 35 calendar days

using an employee who did not have a valid wastewater treatment plant operator certificate. A civil liability for as much as \$3,500 could have been imposed on the City. The civil liability was proposed at \$2,800 which the District paid in September 1997.

Actions Against Operator Certificates

The following are administrative sanctions taken by the SWRCB against California certified operators.

Raymond Guanill

Name of Facility: Rodeo Sanitary District

Misconduct: Falsification of Records; Negligence; OIT's Without Direct Supervision

Discipline: Grade V Certificate Revoked; Cannot reapply for certification for three (3) years.

The Division of Clean Water Programs found that the Chief Plant Operator (CPO) disregarded failing monitoring tests and falsified results. The CPO also was found to be negligent in his duties and had allowed an Operator-in-Training to work without direct supervision. Guanill's Grade V certificate was revoked on March 2, 1998. Any application by Guanill for certification will not be accepted by the

Office of Operator Certification for a period of three (3) years.

Michael Valverde

Name of Facility: California Men's Colony Wastewater Treatment Plant

Misconduct: Falsification of Records; Allow Discharge Which Threatened Public Health

Discipline: Grade IV Certificate Revoked; Cannot apply for re-certification for two (2) years

An investigation by the Regional Water Quality Control Board - Central Coast Region along with the Federal Bureau of Investigations (FBI) found that allegations of the Chief Plant Operator (CPO) falsifying records were true. It was also found that the CPO allowed discharges in violation of the National Pollutant Discharge Elimination System (NPDES) permit which threatened public health. The SWRCB revoked the CPO's certificate. Valverde cannot apply for re-certification for a period of two (2) years. Valverde also pled guilty in Federal Court to two felony counts and is awaiting sentencing.

Kenneth R. Caldwell

Name of Facility: Yucaipa Valley Water District Wastewater Treatment Plant

Misconduct: Falsification of Records; Negligence in Duties

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Operator Certification Regulations Amended

Title 23, the California Code of Regulations (CCR) for Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration has been amended and the amended regulations are effective April 27, 1998.

The primary purpose of the amendments is to allow certified water treatment plant operators to operate water recycling treatment plants that accept secondary or better quality treated wastewater and treat it to higher levels for reuse. The current CCR allow only certified wastewater operators to operate water recycling treatment plants.

There have been several local agencies which have requested these amendments to give them the flexibility to hire either certified wastewater treatment plant operators or certified water treatment plant operators. The State Water Resources Control Board (SWRCB) agrees with local agencies and has found that certified water treatment plant operators are qualified to operate water recycling treatment plants.

Actions Against Operator Certificates

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Discipline: Grade V Certificate Reduced to Grade II for a period of three (3) years

Evidence of falsified records by the Chief Plant Operator (CPO) was compiled by the Regional Water Quality Control Board - Santa Ana Region and forwarded to the Office of Operator Certification. Discipline to reduce Caldwell's certification from a Grade V to a Grade II was imposed in August 1997. Caldwell cannot apply to obtain higher certification for a period of three (3) years.

How to Reach Our Office

Office of Operator Certification
Division of Clean Water Programs
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94244-2120



Operator Certification	(916) 227-4300
Compliance Complaints	(916) 227-4362
Newsletter Suggestions	(916) 227-4362



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